

**AGENDA FOR THE BOARD OF ADJUSTMENT MEETING**

July 20, 2012

- I. **ATTENDANCE** - The Chair will call the meeting to order at 2:00 p.m. in the Council Chambers, 200 East Main Street, July 20, 2012.
- II. **APPROVAL OF MINUTES** - The Chair will announce that the minutes of the March 30, 2012 meeting will be considered at this time.
- III. **PUBLIC HEARING ON ZONING APPEALS**

- A. **Sounding The Agenda** - In order to expedite completion of agenda items, the Chair will sound the agenda in regard to any postponements, withdrawals, and items requiring no discussion.
  1. **Postponement or Withdrawal of any Scheduled Business Item** - The Chair will announce that any person having an appeal or other business before the Board may request postponement or withdrawal of such at this time.
  2. **No Discussion Items** - The Chair will ask if there are any other agenda items where no discussion is needed...that is, (a) The staff has recommended approval of the appeal and related plan(s), (b) The appellant concurs with the staff's recommendations. Appellant waives oral presentation, but may submit written evidence for the record, (c) No one present objects to the Board acting on the matter at this time without further discussion. For any such item, the Board will proceed to take action.
- B. **Transcript or Witnesses** - The Chair will announce that any applicant or objector to any appeal before the Board is entitled to have a transcript of the meeting prepared at his expense and to have witnesses sworn.
- C. **Variance Appeals** - As required by KRS 100.243, in the consideration of variance appeals before the granting or denying of any variance the Board must find:

That the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Board shall consider whether:

- (a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
- (b) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
- (c) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulations from which relief is sought.

1. **V-2012-38: C. WILLIAM and LAUREL A. CONNERS** - appeal for a variance to reduce the required side yard from 8 feet to 5 feet in order to construct an addition to a residence in a Single Family Residential (R-1C) zone, on property located at 3288 Carlsbad Court (Council District 8).

The Staff Recommends: Approval, for the following reasons:

- a. Granting the requested side yard variance from 8' to 5' should not adversely affect the public health, safety or welfare, as adequate space will remain for emergency services to access the side property line if necessary.

- b. The proposed addition will not negatively affect the character of the surrounding neighborhood. This property is a pie-shaped lot located on cul-de-sac, as are several of the neighboring properties, many of which have buildings that are closer to the side property line than 8'.
- c. Strict application of the Zoning Ordinance would require the applicants to build a smaller addition, losing about 25% of their proposed floor area increase.
- d. Building on the north side of the house is impossible due to the existing layout of the house, and the existing driveway on that side of the house which serves the rear of the property.
- e. The appellants are making a reasonable effort to construct an addition to their residence, with no evidence of any intent to circumvent a requirement of the Zoning Ordinance.

This recommendation of approval is made subject to the following conditions:

- 1. The new residence shall be constructed in accordance with the submitted application and site plan.
  - 2. All necessary permits shall be obtained from the Division of Building Inspection prior to construction.
  - 3. Documentation of the signed utility encroachment agreements shall be submitted to the Division of Building Inspection prior to construction.
2. **V-2012-39: AUTO-ZONE, INC.** - appeals for a variance to reduce the required 25-foot setback from a floodplain to 10 feet in order to allow expansion of a building in a Highway Service Business (B-3) zone, on property located at 1504 – 1508 Colesbury Circle (Council District 1).

The Staff Recommends: Approval, for the following reasons:

- a. Granting the requested variance should not adversely affect the public health, safety, or welfare of the subject or surrounding properties. The proposed building addition will be completely out of the floodplain, and a substantial portion of the building (96.4%) will be beyond the required 25' floodplain setback.
- b. Granting the requested variance will not change the commercial character of the general vicinity of Colesbury Circle. Additionally, the floodplain elevation is not proposed to be altered, thereby assuring that the proposed development will not create a flooding nuisance to surrounding properties.
- c. One purpose of Article 19 of the Zoning Ordinance is to promote protection from potential flood hazards using best management practices. Granting this floodplain setback variance will not constitute a circumvention of the Zoning Ordinance, as it is the least physically intrusive option that the applicant can pursue in order to build the proposed addition to the store. The parking lot addition will require the approval of a Special Use Permit by the Division of Engineering, which will ensure that all the proper procedures are followed prior to, during, and upon completion of construction.
- d. The proposed variance is not a direct result of the applicant's actions because the FEMA map dated 9/17/2008 indicates a much smaller existing floodplain on the subject property, in which the proposed addition would have been compliant with the required 25' floodplain setback. It was only after a topographic survey was completed that it was determined that the regulatory floodplain elevation had a greater impact on the property than the mapped floodplain.

This recommendation of approval is made subject to the following conditions:

- 1. The property shall be developed in accordance with the approved site plan, allowing for changes in the parking lot if necessary to satisfy other conditions of approval from either the Divisions of Engineering, Traffic Engineering, or Waste Management.
  - 2. All necessary permits, including Zoning Compliance, Building Permits, and the approval of a Special Use Permit for the parking lot in the floodplain, shall be obtained prior to construction.
3. **V-2012-40: STUART LOWENTHAL** - appeals for a variance to reduce the required front yard from 20 feet to 0 feet to allow construction of an additional parking space in a Single Family Residential (R-1E) zone, within the defined Infill and Redevelopment Area, on property located at 626 Kastle Road (Council District 3).

The Staff Recommends: Disapproval, for the following reasons:

- a. The applicant has not provided sufficient justification that the proposed variance to allow a parking space in the front yard will not alter the character of the general vicinity. Conversely, granting the requested variance will allow this property to be the only one with parking in the front yard, which would compromise the character of this neighborhood.

- b. The proposed design of the parking space may cause a safety issue because there is not enough space between the front porch and the sidewalk to create a proper taper for vehicles to maneuver in and out of the parking space. The awkward geometry of the proposed parking space may also promote the possibility of a car regularly hanging over the sidewalk, which is illegal and a public nuisance.
  - c. There is adequate room on the rear of this lot for the applicant to design off-street parking that would provide an independently accessible parking area and meet the requirements of the Zoning Ordinance.
4. **V-2012-41: ZEFF MALONEY** - appeals for a variance to reduce the required vehicular use area buffer from 3 feet to 0 feet along the eastern property line due to location of the existing driveway on property recently rezoned from a Single-Family Residential (R-1C) zone to a Neighborhood Business (B-1) zone, on property located at 763 Lane Allen Road (Council District 11).

The Staff Recommended: Approval, for the following reasons:

- a. Granting the requested variance should not adversely affect the public health, safety or welfare, nor alter the character of the general vicinity. The existing layout of the property has an asphalt drive that accesses a rear parking area, which will not change. The neighboring property at 761 Lane Allen Road is currently zoned B-1, the same as the subject property. Therefore, zone-to-zone screening is not required.
- b. Granting the requested variance will allow the opportunity for these two properties to share a driveway and to inter-connect the parking lots in the future, should that be desired in the future.
- c. The location of the existing building, in conjunction with the current and proposed use of the area to the rear of the building as a paved access drive, are special circumstances that collectively justify the elimination of any required vehicular screening on the eastern property line.
- d. Strict application of the requirements of the Zoning Ordinance would require that a perimeter landscape buffer between 3' and 5' in width be provided between the property line and the driveway. With only 10' between the existing building and the property line, the requirement of landscaping will essentially eliminate the use of the rear parking area, and will substantially limit the redevelopment of this lot for commercial use.
- e. The appellant is proposing a reasonable property improvement that is customary in a redevelopment of an existing residential structure for commercial use. That effort should not be interpreted as an attempt to circumvent a requirement of the Zoning Ordinance.

This recommendation of approval is made subject to the following conditions:

- 1. The proposed development shall be constructed in accordance with the submitted application and site plan, or as amended by the Planning Commission on a Final Development plan.
- 2. All necessary permits shall be obtained from the Divisions of Planning and Building Inspection prior to construction.
- 3. Based on the recommendation of the Landscape Review Committee, a large species variety of tree shall be planted in the front yard and a small or medium species variety of tree shall be planted in the landscape island in the rear parking lot.

#### D. **Conditional Use Appeals**

- 1. **CV-2012-11: TOWNES ENTERTAINMENT, LLC** - appeals for a conditional use permit for a restaurant with live entertainment; and variances to 1) reduce the required 100-foot setback from a residential zone to 0 feet, and 2) reduce the required parking by 50% in a Neighborhood Business/ Historic Overlay (B-1/H-1) zone, within the defined Infill & Redevelopment Area, on property located at 122 W. Maxwell Street (Council District 3).

The Staff Recommended: Approval of the requested setback and parking variances, for the following reasons:

- a. Granting the requested variances should not adversely affect the public health, safety or welfare, nor alter the character of the general vicinity. This property is split-zoned; the northerly portion with the building is in a Neighborhood Business (B-1) zone, and the southerly portion, developed with a parking lot, is in a Two Family Residential (R-2) zone. The zone boundary is located very close to the back side of the building, which explains the request to reduce the required setback to zero feet. Additionally, based on the hours of operation, and the pedestrian-oriented nature of this area, the parking reduction to 50% of the required parking is justified.

- b. The existing parking lot in an R-2 zone, which is a part of the subject property, is a special circumstance that contributes to justifying the need for the requested variances.
- c. Strict application of the 100-foot setback requirement would force the appellant to forego the live entertainment and/or dancing for this property.
- d. The number of parking spaces and the location of the zone lines were existing when the appellant purchased the property. Thus, this request is not the appellant's actions. In fact, the area was originally developed prior to the predominance of the automobile, thereby explaining the pedestrian friendly nature of the area.

The Staff Recommended: Approval of the requested conditional use for live entertainment and/or dancing, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties, if the appellant adheres to conditions of approval. Adjoining and nearby properties are a mix of commercial and residential uses, and are not expected to be disturbed by the proposed entertainment activity. Adequate off-street parking will be provided.
- b. All necessary public services and facilities are available and adequate for the proposed use.

This recommendation of approval is made subject to the following conditions:

- 1. The addition of live entertainment and dancing shall be undertaken in accordance with the submitted application and site plan.
  - 2. All necessary permits shall be obtained from the Divisions of Planning and Building Inspection prior to renovation and/or construction and prior to opening the establishment.
  - 3. The building shall be soundproofed to the maximum extent feasible using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood. (Staff will report further on this condition at the hearing.)
  - 4. No outdoor speakers that would be used to broadcast the live entertainment to the patio area or to otherwise use the patio area as an extension of the live music and/or dance floor will be allowed. Outdoor speakers designed and used to allow ambient music on the patio area would be acceptable, just as it would be for any restaurant use without live entertainment or dancing.
  - 5. The Division of Planning's Zoning Enforcement section shall report to the Board (at the minimum) in 6 months and 1 year from the date of approval of this application regarding compliance with the conditions of approval and the extent of any complaints that have been received for the subject property.
  - 6. The building shall be soundproofed to the maximum extent feasible using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood. It is further recommended/required that:
    - a. The doors to the patio area, or any other doors that open to the outside, will not be propped open during any live entertainment performance.
    - b. Speakers, whether provided as a part of a permanent in-house sound system or set up by the individual performers, will be installed in such a way that sound is not directed toward the patio doors.
    - c. The applicant shall inform the Division of Planning, Zoning Enforcement Section, of any additional soundproofing technologies that are employed after the date of occupancy, and the dates of their installation.
2. **CV-2012-35: GARDENSIDE BAPTIST CHURCH** - appeals for a conditional use permit to construct a parking lot for the church; and variances to: 1) reduce the required front yard from 20 feet to 0 feet along Alexandria Drive, and 2) reduce the required front yard from 20 feet to 15 feet along Traveller Road, in a Planned Neighborhood Residential (R-3) and a High Density Apartment (R-4) zone, on properties located at 1637, 1643 & 1667 Alexandria Drive and 1686, 1690 & 1694 Traveller Road (Council District 11).

The Staff Recommends: Approval of the portico addition on 1667 Alexandria Drive, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties. The proposed addition would result in an upgrade to the existing facility that will provide a convenience for their membership, without negatively impacting the subject or surrounding properties.
- b. All necessary public facilities and services are available and adequate for the proposed use.

This recommendation of approval is made subject to the following conditions:

1. The applicant shall submit a revised site plan, showing the elimination of up to four parking spaces to account for the drive-through functionality of the proposed portico.
2. The four parking spaces shall be relocated elsewhere, either through the construction of new parking spaces, as approved by the Board, or by increasing the off-site parking arrangement with the nearby shopping center prior to the issuance of a Zoning Compliance Permit.

The Staff Recommends: Approval of the parking addition and variance request for 1637 and 1643 Alexandria Drive, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties. The proposed parking lot will not be out of character along Alexandria Drive, which has a mixture of institutional, residential, and commercial uses, including several parking lots located between the street and the building.
- b. All necessary public facilities and services are available and adequate for the proposed use.
- c. The proposed front yard variance will not adversely affect the public safety, health, or welfare, nor will it alter the essential character of the neighborhood.
- d. Granting the requested variance will improve safety by eliminating an extremely wide and non-standard driveway, in favor of one combined standard curb cut for two adjacent properties.

This recommendation of approval is made subject to the following conditions:

1. Prior to the issuance of a Zoning Compliance Permit, the applicant shall submit a revised site plan, showing the vehicular use area screening for 1643 Alexandria Drive, denoting the 5 parking spaces on this lot for compact car parking if necessary.
2. The utility strip in the right-of-way will be returned to grass with the reconfiguration of the curb cut.

The Staff Recommends: Approval of a portion of the requested parking lot on 1686, 1690, & 1694 Traveller Road, for the following reasons:

- a. Granting a more limited conditional use permit should not adversely affect the subject or surrounding properties, so long as the new parking is significantly set back from the Traveller Road. As the church is trying to reduce their deficit of nearby parking, it is reasonable to allow a small expansion of the existing parking area to the rear of the lot off of Cross Keys, in order to update the parking lot with landscaping and better utilize the space for a more efficient parking layout.
- b. All necessary public facilities and services are available and adequate for the proposed use.

This recommendation of approval is made subject to the following conditions:

1. Prior to the issuance of a zoning compliance permit, the applicant shall submit a revised site plan, showing a 105' foot (or larger) setback of the parking from the Traveller Road right-of-way. Access shall be limited to Cross Keys Road, unless the existing single-wide driveway to Traveller Road is necessary to provide waste management services to this property.
2. The parking lot shall be screened and landscaped according to Article 18 of the Zoning Ordinance.

The Staff Recommends: Disapproval of the requested front yard setback variance from 20' to 15' on 1686, 1690, & 1694 Traveller Road, for the following reason:

- a. The proposed parking lot, if closer to Traveller Road, would be an intrusion into this residential neighborhood, and would alter the character of this general vicinity. The staff-proposed 105' setback from Traveller Road for the parking lot is a more appropriate and context-sensitive recommendation for this piece of property, given its environs.

The Staff Recommends: Postponement of the requested conditional use at 1643 Alexandria Drive, for the following reason:

- a. It is unclear at this time what the current and proposed use of the structure at 1643 Alexandria Drive would be. Furthermore, the staff cannot find a record of the Board approving this property as part of the church use. If the proposed use is residential, and not a part of the church use, documentation of adequate parking will need to be supplied to the Division of Planning prior to the issuance of a Zoning Compliance Permit.

3. **CV-2012-42: BUY THE BARREL, LLC** - appeals for a conditional use permit to establish an arcade and cocktail lounge; and a variance to reduce the required 100-foot setback from a residential zone to 60 feet in a Neighborhood Business (B-1) zone, on property located at 574 North Limestone Street (Council District 1).

The Staff Recommends: Approval of the requested conditional use permit, for the following reasons:

- a. A small arcade with a cocktail lounge at this neighborhood business location should not adversely affect the subject or surrounding properties, as the building will be soundproofed and is oriented toward North Limestone Street, which should help to minimize any potential for noise. In addition, there will be no outdoor speakers allowed as a part of this use.
- b. All necessary public facilities and services are available and adequate for the proposed use.
- c. The 2009 Central Sector Small Area Plan recommends this area as a focus for redevelopment and expansion of neighborhood-serving retail uses. The proposed use will contribute to the reinvigoration of this area.

The Staff Recommends: Approval of the requested variances, for the following reasons:

- a. A modest reduction in the setback from a residential zone should not adversely affect the public health, safety or welfare, nor alter the character of the general vicinity. Live music will not be provided, and the bar will occupy an existing building that is oriented toward North Limestone, with commercial zoning directly across the street, with all four corners of this intersection creating a pocket of B-1 zoning. Furthermore, outdoor speakers will be prohibited with this use.
- b. The existing development pattern in this block of small residential lots and neighborhood businesses, and the configuration of the surrounding residential zoning, are special circumstances that contribute to justifying some reduction in the 100' setback requirement.
- c. Strict application of the Zoning Ordinance would effectively prevent a bar or cocktail lounge from occupying the existing building, but would still allow the arcade, as none of the property is at least 100' away from either of the nearby residential zones.
- d. The appellant is making a reasonable effort to adaptively re-use an existing building in the midst of several other neighborhood businesses. No expansion of the building is needed to accommodate the requested use, and there is no indication that an effort is being made to circumvent a requirement of the Zoning Ordinance.

This recommendation of approval is made subject to the following conditions:

1. The bar shall be established in accordance with the submitted application and site plan.
  2. A Zoning Compliance Permit and a Certificate of Occupancy shall be obtained from the Divisions of Planning and Building Inspection prior to occupancy.
  3. Documentation of an off-street parking agreement shall be submitted to the Division of Planning prior to the issuance of a Zoning Compliance Permit.
  4. Outdoor speakers shall be prohibited.
  5. This use shall become null and void should the applicant cease this use for any reason.
4. **C-2012-28: BRENDA TOLLETT / BVC HOLDING, LLC** - appeal for a conditional use permit for an indoor/outdoor recreational facility in a Light Industrial (I-1) zone, on a portion of 709 Miles Point Way (Council District 12).

The Staff Recommends: Approval, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties. Although there are topographic and tree preservation issues to be addressed, this site is large enough to accommodate the proposed indoor volleyball recreational facility.
- b. All necessary public facilities and services, including police, fire and EMS, are available and adequate for the proposed use.

This recommendation of approval is made subject to the following conditions:

1. The indoor volleyball facility shall be constructed and operated in accordance with the submitted application and site plan, or as amended by the Planning Commission via a Final Development Plan.
2. All necessary permits shall be obtained from the Divisions of Planning and Building Inspection prior to construction.
3. This property shall comply with the Old Frankfort Pike Landscape Ordinance.
4. Any food service provided shall remain accessory (i.e., incidental and subordinate) in nature, shall be only for participants and employees of the facility, and shall be subject to review and approval by the Fayette County Board of Health.
5. A plan for storm drainage and retention shall be submitted to, and accepted by, the Division of Engineering.

6. The parking area, as well as access and all internal circulation, shall be subject to the approval of the LFUCG Traffic Engineer.
  7. The parking area shall be paved, with spaces delineated, and screened/landscaped in accordance with Articles 16 and 18 of the Zoning Ordinance.
5. **C-2012-32: GOOD SHEPHERD LUTHERAN CHURCH** - appeals for a conditional use permit to expand the church building (16x17 rear addition) in a Planned Neighborhood Residential (R-3) zone, on property located at 425 Patchen Drive (Council District 7).

The Staff Recommends: Approval, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties. The number of children served is relatively small (no more than fifty), but can be better accommodated by a modest addition to the existing church facilities. Adequate off-street parking and a suitable area for dropping off and picking up children are provided.
- b. All necessary public facilities and services are available and adequate for the proposed building expansion.

This recommendation of approval is made subject to the following conditions:

1. The proposed addition to the church, elementary school and child care shall be established in accordance with the submitted application and site plan, with combined enrollment not to exceed fifty children.
  2. A Zoning Compliance Permit and Building Permit shall be obtained from the Divisions of Planning and Building Inspection prior to expansion of the church.
  3. The school and child care shall be operated at all times in full compliance with all applicable state and local regulations.
  4. If not already existing, a fenced and screened outdoor play area of at least 1,250 square feet shall be provided, in accordance with the requirements of the Zoning Ordinance.
6. **C-2012-33: LEXINGTON TABERNACLE** – appeals for a conditional use permit to establish a church in a Light Industrial (I-1) zone, on property located at 707 Downs Avenue, Suite 150 (Council District 5).

The Staff Recommends: Approval, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties, as the location of the proposed church is operating at non-peak times compared to the surrounding businesses, and there is adequate off-street parking for the use of the building.
- b. All necessary public facilities and services are available and adequate for the proposed use.

This recommendation of approval is made subject to the following conditions:

1. The site shall be developed in accordance with the submitted site plan, with the exception that a dumpster or solid waste container location shall be identified and constructed, if necessary.
  2. All necessary permits shall be obtained from the Divisions of Planning and Building Inspection prior to paving of any parking area and occupancy of the building.
  3. Any gaps in the existing tree line along the north perimeter of the property will be replanted with appropriate tree species and/or shrubs, as approved by the Division of Building Inspection, in accordance with the requirements of Article 18 of the Zoning Ordinance.
  4. All required parking for the proposed church use shall be paved and striped in accordance with the requirements of Article 16 of the Zoning Ordinance.
7. **C-2012-34: ANCHOR BAPTIST CHURCH** - appeals for a conditional use permit to increase the enrollment in a school for academic instruction in a Planned Neighborhood Residential (R-3) zone, on property located at 3601 Winthrop Drive (Council District 9).

The Staff Recommended: Approval, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties. The proposed school will have no more than 200 students with just fourteen classrooms; therefore, the existing 140-space parking lot will be more than adequate. The access drive and parking lot are already designed to easily accommodate vehicle stacking and circulation needs. Construction of new facilities will not be required.
- b. All necessary public facilities and services are available and adequate for the proposed use.

This recommendation of approval is made subject to the following conditions:

1. The school shall be established in accordance with the submitted application and site plan, with the exception of the modular building, which is no longer desired by the school; and with enrollment not to exceed 200 students.
  2. A Zoning Compliance Permit and an Occupancy Permit shall be obtained from the Divisions of Planning and Building Inspection prior to opening the school.
  3. The dropping off and picking up of students shall be managed to ensure that vehicles do not stack on Winthrop Drive, with a circular traffic flow around the south side of the parking lot to be maintained that allows vehicles to conveniently exit the property.
8. **C-2012-36: JIM LAIRD** - appeals for a conditional use permit to establish an indoor recreational (fitness) facility in a Heavy Industrial (I-2) zone, on property located at 236 Gold Rush Road (Council District 10).

The Staff Recommends: Approval, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties. Provided the required number of off-street parking spaces are made available, this site is well-suited for a small fitness center, where the peak hours of operation will be in the early evening after normal business hours.
- b. All necessary public facilities and services are available and adequate for the proposed use.

This recommendation of approval is made subject to the following conditions:

1. The proposed indoor recreational facility (fitness center) will be operated in accordance with the submitted application and site plan.
  2. Prior to issuance of a Zoning Compliance permit, the appellant will provide documentation of an off-street parking agreement for a minimum of five parking spaces, or a combination of class size and timing limitations so that the minimum required parking is being met.
9. **C-2012-37: THE LEXINGTON PROPERTY GROUP, LLC** - appeals for a conditional use permit to occupy an existing building as a fraternity house in a Planned Neighborhood Residential (R-3) zone, on property located at 320 Rose Street (Council District 3).

The Staff Recommends: Approval, for the following reasons:

- a. The property, with its current use as an apartment building and existing parking, is well suited to use as a small fraternity.
- b. The proposed conditional use of a fraternity house at 320 Rose Street should not adversely impact the surrounding properties any more than the existing apartment use, as there will be no increase in the number of people living at this location and the fraternity will be required to submit information regarding how alcohol and social gatherings will be handled and enforced.
- c. This site is well situated near campus and other Greek organizations on Rose Street and East Maxwell Street. Furthermore, the University's Student Affairs Office, in the past year, has suggested that Greek organizations consider locating near the existing conglomeration of other Greek organizations, particularly on Woodland Avenue, Rose Lane, or Pennsylvania Court; or, in alternative, near East Maxwell Street between the campus and downtown.
- d. All existing facilities, including roads, sanitary and storm sewers, utilities, and public services are available and adequate to support the requested use.

This recommendation is made subject to the following conditions:

1. That the fraternity be developed in accordance with the submitted application and site plan, allowing flexibility in the design and number of parking spaces in the rear, as long as at least 7 parking spaces remain and the Division of Traffic Engineering approves the final layout.
2. The applicant shall submit documents to the Division of Planning detailing policies and any operational standards regarding alcohol, parties, and social gatherings prior to the issuance of a Zoning Compliance Permit by the Division of Planning.
3. An Occupancy Permit shall be obtained from the Division of Building Inspection prior to use of the property as a fraternity.
4. This use shall become null and void should Pi Kappa Phi cease use of this property as a fraternity for any reason.



10. **C-2012-44: DAWN SCOTT** - appeals for a conditional use permit to establish an indoor recreational facility in a Light Industrial (I-1) zone, on property located at 451 Chair Avenue (Council District 3).

There is no staff recommendation for this case, as the appellant sent a letter requesting withdrawal on July 12.

E. **Administrative Review**

1. **A-2011-81: GREG KUJAWSKI** - the Board of Adjustment has requested a review of a use (dispatch and vehicle use associated with a taxi business) for compliance with conditions imposed in December 2011 in a Professional Office (P-1) zone, on property located at 1084 Wellington Way (Council District 10).

The Zoning Enforcement Officer will report at the public hearing.

2. **A-2012-43: SENSIBLY CHIC** - appeals for an administrative review of a transfer of unused sign square footage (15.5 square feet) from the rear to the front of the building to allow a larger retail identification sign in a Neighborhood Business (B-1) zone, on property located at 2121 Richmond Road, Suite 130 (Council District 5).

The Staff Recommends: Approval, for the following reasons:

- a. A single 56 square-foot wall sign on the Richmond Road frontage, on a portion of the building with a substantial parapet, will not be out of scale on this building. There is a very limited need for signage on Coburn Boulevard, as well as a desire to re-use an existing sign, oriented toward the higher traffic volume on Richmond Road.
- b. The total amount of wall signage permitted on the subject property (81 square feet) will not be exceeded, as the applicant wishes to transfer 15.5 square feet of allowable but unused wall signage from the back of the building to the front of the building.

This recommendation of approval is made subject to the following conditions:

1. The proposed 56 square-foot wall sign may be erected on the property in accordance with the submitted application and site plan.
2. A sign permit shall be obtained from the Division of Building inspection prior to erecting the new sign.
3. Any wall sign on the Coburn Boulevard wall frontage shall be limited to a maximum of 25 square feet in size.

- IV. **BOARD ITEMS** - The Chair will announce that any items a Board member wishes to present will be heard at this time.

- V. **STAFF ITEMS** - The Chair will announce that any items a Staff member wishes to present will be heard at this time.

- VI. **NEXT MEETING DATE** - The Chair will announce that the next meeting date will be August 24, 2012.

- VII. **ADJOURNMENT** - If there is no further business, the Chair will declare the meeting adjourned.